



ELECTION NEWS

A special informational bulletin
on the conduct of the November 2,
2004 general election

Michigan Department of State - Terri Lynn Land, Secretary of State

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First-Time Mail Registrants: Administering the “Voting in Person” and Federal I.D. Requirements

PA 92 of 2004 modified the “voting in person” requirement currently imposed under Michigan election law on first-time mail registrants. At the same time, HAVA imposes a new identification requirement on first-time mail registrants. The change in Michigan election law and the new federal identification requirement are reviewed below:

“Voting-in-person” requirement: With the new amendment, a voter *who has never voted in Michigan* who chooses to register by mail, must appear in person to vote in the first election in which he or she wishes to participate. Previously, the restriction applied to mail registrants who had never voted in person in the city or township in which they were applying to register to vote.

With the change, a voter subject to the “voting-in-person” requirement who satisfies the requirement – and who then moves to a different jurisdiction in the state and again chooses to register to vote by mail – is *not* required to satisfy the “voting-in-person” requirement a second time. In addition, the “voting-in-person” requirement does *not* apply if:

- 1) the voter hand delivers his or her mail registration form to the county or local clerk’s office;
- 2) the voter is 60 years of age or more;
- 3) the voter is disabled; or
- 4) the voter is eligible to vote under the Uniformed and Overseas Citizens Absentee Voting Act.

New federal ID requirement: HAVA stipulates that a voter *who has never voted in Michigan* who chooses to register by mail, must meet a new identification requirement. To comply with the identification requirement, the voter must:

- 1) accurately enter his or her state issued driver license number or personal identification card number where requested on the mail-in voter registration form; or
- 2) send one of the following forms of identification when mailing the mail-in voter registration form to his or her county or local clerk: a copy of any current and valid photo identification or a copy of a paycheck, government check, utility bill, bank statement or a government document which lists his or her name and address.

If a voter subject to the new federal identification requirement does not meet the requirement when registering, the voter must present one of the above listed documents before voting in the first election in which he or she wishes to participate. The federal identification requirement does *not* apply if:

- 1) the voter hand delivers his or her mail registration form to the county or local clerk's office;
- 2) the voter is disabled; or
- 3) the voter is eligible to vote under the Uniformed and Overseas Citizens Absentee Voting Act.

Implementation points: The following implementation points merit close attention:

- The Qualified Voter File has been upgraded to assist Michigan's city and township clerks administer the "voting-in-person" and federal identification requirement. With the upgrade, the QVF identifies those voters subject to the "voting-in-person" requirement (code: "MVIP"), those voters subject to the new federal identification requirement (code: "ID") and those voters who are subject to both requirements (code: "MVIP/ID").
- A voter who is subject to the federal identification requirement who is unable or unwilling to produce an acceptable form of identification must be issued a "provisional" ballot. When issuing a "provisional" ballot to such a voter, it must be preserved as an "envelope" ballot. In an instance where an "envelope" ballot must be issued to a voter subject to the federal identification requirement, it is *not* necessary to complete the Four-Step Procedure form. It merits note, however, that a special notice must be issued to the voter at the time the "envelope" ballot is issued. (A copy of the notice is provided with this newsletter.)
- It merits final observation that in an instance where a 1) a voter who is 60 years of age or more requests an absentee ballot 2) the voter is subject to the federal identification requirement because he or she is a first-time mail registrant who has never voted in Michigan and 3) the voter has not cleared the identification requirement prior to requesting the ballot, a provisional ballot must be issued to the voter by mail. Upon the return of the ballot, it must be preserved and handled as an "envelope" ballot.

Election inspector "script" provided: A "script" which election inspectors can use to inform voters subject to the new federal identification requirement of the available compliance options is provided with this newsletter. The distribution of the script to your election inspectors is recommended.

Identification and Residence Verification Requirements: Listings of Acceptable Documents

The following lists the types of documents voters can use to satisfy the identification and residence verification requirements associated with the "provisional balloting process" and the new federal identification requirement imposed on first-time mail registrants.

Provisional balloting identification requirement: A voter who does not appear on the QVF list who wishes to vote a provisional ballot must identify himself or herself as a part of the provisional balloting process (see Step Three of the Four-Step Procedure form). To satisfy the identification requirement, the voter can show:

- A **Michigan** driver's license. OR
- A **Michigan** personal identification card. OR
- Any other type of **government issued** identification card which shows the voter's photo. OR
- An identification card issued by a **Michigan** university or college which shows the voter's photo.

Provisional balloting residency verification: In addition to the above, a voter who does not appear on the QVF list who wishes to vote a provisional ballot must show documentation to confirm that he or she currently resides in the precinct (see Step Three on the Four-Step Procedure form). To satisfy the residence confirmation requirement, the voter can show:

- A **Michigan** driver's license that lists the voter's address in the precinct. OR
- A **Michigan** personal identification card that lists the voter's address in the precinct. OR
- Any other type of **government issued** photo identification card that lists the voter's address in the precinct. OR
- A photo identification card issued by a **Michigan** university or college that lists the voter's address in the precinct.

If the voter is unable to satisfy the residence confirmation requirement by showing one of the above listed documents, the voter can show one of the alternative documents listed below. If the voter must rely on one of the following alternative documents to confirm his or her residence address in the precinct, the voter must be issued an "envelope" ballots as explained in the Four-Step Procedure form instructions.

- A current utility bill that contains the voter's name and address in the precinct (see examples below). OR
- A current bank statement that contains the voter's name and address in the precinct (see examples below). OR
- A current paycheck or government check that contains the voter's name and address in the precinct (see examples below). OR
- Any other government document that contain the voter's name and address in the precinct (see examples below).

Federal identification requirement imposed for first-time mail registrants: As explained in the first article in this newsletter, HAVA stipulates that a voter who has never voted in Michigan who chooses to register by mail must satisfy a new federal identification requirement. To satisfy the identification requirement, the voter can:

- Accurately enter his or her state issued driver's license number or personal identification card number where requested on the mail-in voter registration form. OR
- Send one of the following forms of identification when mailing the mail-in voter registration form to his or her county or local clerk: a copy of any current and valid photo identification (see examples below) or a copy of a paycheck, government check, utility bill, bank statement or a government document which lists his or her name and address (see examples below).

If a voter subject to the new federal identification requirement does not meet the requirement when registering, the voter must present one of the above listed documents before voting in the first election in which he or she wishes to participate. (Certain voters are exempted from the requirement as explained in the first article in this newsletter.)

**Examples of Acceptable Photo Identification
(Document Must Be Current and Valid;
Listing Applies to
Federal ID Requirement Only)**

Driver's license with photo (any state)

Personal identification card with photo (any state)

Government issued photo identification card

Passport

Student identification card with photo

Credit or automated teller card with photo

Military identification card with photo

Employee identification with photo

**Examples of Acceptable Paychecks, Government Checks, Utility
Bills and Bank Statements
(Must Contain Voter's Name and Address)**

A paycheck or paycheck stub from any employer issued within the last year

A Social Security Administration check statement issued within the last year

Government or military paycheck or paycheck stub issued within the last year

Tax return check or check statement issued by the IRS or the State of Michigan within the last year

A gas, telephone, electric, water, cable or other utility bill issued within the last year

A statement from a bank or credit union dated within the last year

**Example of Acceptable Government Documents
(Must Contain Voter's Name and Address)**

Vehicle registration

Electronic Benefit Transaction (EBT) card

Department of Social Services (DSS) card

Insurance card issued pursuant to a government administered or subsidized health insurance program such as Medicare or Medicaid

Veteran's identification card

Lease agreement provided under a public housing program or subsidized housing program

Public housing identification card

Tuition statement or bill from a public college or university

Correspondence or a bill received from a federal, state or local government

Discharge certificate, release papers, pardon, or other official document issued to the voter in connection with the resolution of a criminal case, indictment, sentence or other matter, in accordance with state law

Discount card issued by a public transportation authority or a provider to senior citizens or persons with disabilities

Marriage license

Instructing Voters

- When processing voters, a member of the precinct board must offer to give instruction on *all* aspects of the voting process including the procedure for casting write-in votes. If a voter states that he or she wishes to only receive instruction on the procedure for casting a write-in vote, the precinct board member handling this task may limit the instruction to the write-in process; otherwise, instruction on all aspects of the voting process must be offered to avoid any appearance that the precinct board is promoting write-in candidates.
- If a voter asks for information on the write-in candidates who are seeking the offices on the ballot, the precinct board must advise the voter to contact the clerk. The precinct board is *not* permitted to provide the names of write-in candidates while processing voters or display the names of the write-in candidates inside the polling place.

Accounting for Every Ballot Issued: New Emphasis on an Important Requirement

If optical scan, punch card or paper ballots are used in the precinct, the precinct inspectors must always remember to check to see if the serial number appearing on the stub of each voter's ballot matches the number of the ballot issued to the voter before the ballot stub is detached. This step is accomplished when the voter returns the ballot to the precinct board for the removal of the stub.

The precinct inspector removing the ballot stub can accomplish the verification step by calling out the ballot serial number to the inspector handling the Poll Book; checking the ballot serial number against the Application to Vote (if nearby); or checking the ballot serial number against the Poll Book (if nearby).

If the serial number on the ballot stub does *not* match the number of the ballot issued to the voter, the inspectors should question the voter and enter the facts in the remarks section of the Poll Book. If the voter cannot give a satisfactory answer, the inspectors should immediately alert the clerk.

It merits further note that under no circumstances is a voter allowed to leave the polling place with any portion of his or her ballot (including the ballot stub). If a voter attempts to leave the polls with any portion of his or her ballot, the election inspectors should request its return. If the voter refuses to comply with the request, the precinct inspectors must record the facts in the

remarks section of the Poll Book.

Precinct boards that faithfully carry out the ballot serial number verification step and keep a careful watch for voters leaving the polls with their ballot will have no problem balancing the number of ballots cast in the precinct against the number of names entered in the Poll Book at the end of the day; precinct boards that are careless about these responsibilities often find that the precinct is “out of balance” after the close of the polls when it is too late to uncover an explanation. It needs to be remembered that a precinct must be “in balance” in order to be recountable after the election; precincts that are “out of balance” are *not* recountable.

It merits final note that while the various recordkeeping steps associated with the voter processing procedures and ballot verification check may be rearranged to meet administrative preferences, the adoption of a process which involves the entry of the voter’s name in the poll book *before* the voter enters the voting station is strongly encouraged to further promote the accurate accounting of all ballots issued in the precinct.

Accommodating Disabled and Elderly Voters

Both federal law and state law require Michigan’s city and township clerks to meet the needs of disabled and elderly voters who wish to vote *in person*. This means that actions must be taken to ensure that 1) all polling places are accessible and 2) appropriate measures are implemented *inside the polls* to permit disabled and elderly voters to vote without difficulty.

The intent of the laws is to ensure that disabled and elderly citizens are able to fully exercise their voting rights without impairment. Voting procedures established for the disabled or elderly which abridge these rights are unacceptable – even if the abridgment is unintentional. Consideration must be given those with impaired vision; those with impaired hearing; those with impaired mobility including wheelchair users; and those impaired by age, a developmental disability or disease. The following discusses measures which must be taken to ensure that the special needs of disabled and elderly voters are fully accommodated.

- Make sure that all of the election inspectors appointed to serve in your polling places have viewed the video produced by the Department of State, *Working Together to Protect the Right to Vote*. The video is designed to 1) heighten the sensitivity of election inspectors to the special needs of disabled and elderly voters 2) explain the governing federal and state laws and 3) offer practical advice for carrying out the governing laws. The video, updated with a new introduction by Secretary of State Terri Lynn Land, was recently reissued to all county clerks in the state.
- Distribute the accompanying “tip sheet” to your election inspectors. The tip sheet has been developed to assist your election workers with their interactions with disabled and elderly voters.
- Make sure that all of your polling places are fully compliant with the ADA polling place accessibility standards. If you have any polling places which are not fully compliant, take immediate action to bring the polling places into compliance.

- At least one voting station designed to accommodate the special needs of disabled and elderly voters must be provided in every polling location.

Optical scan/paper precincts: Establish a voting station which allows an elector to mark his or her ballot while seated at a table. The station must be screened to protect the secrecy of the ballot. Any type of portable partition that provides the required privacy can be used to screen the station.

Punch card precincts: Place a voting device on a table to allow an elector to mark his or her ballot while seated. It is recommended that the ballot paging assembly be removed from the device to make it less cumbersome for electors to vote while seated. If the ballot paging assembly is removed from the device, portable screening must be provided to protect the secrecy of the ballot.

Voting machine precincts: To accommodate voters who are unable to use a voting machine, provide paper or punch card ballots. Provide a voting station in the precinct which allows an elector to cast a paper or punch card ballot while seated. Secure paper or punch card ballots cast in machine precincts in the same manner that challenged ballots are secured. Do *not* record paper or punch card ballots cast in a machine precinct as absent voter ballots. Do *not* mark a paper or punch card ballot cast in a machine precinct as a challenged ballot unless it has been challenged.

Direct recording electronic precincts: Follow the manufacturer's advice on any accommodations which must be implemented to meet the needs of disabled and elderly voters.

- A magnifying glass must be available in the polling place for those who might need it. The magnifying glass should be prominently displayed.
- The voting instructions placed on display in the polls must be made available in alternative formats. (To assist with this need, the Department of State will provide all city and township clerks with the voting instructions on cassette audio tapes and in Braille. The cassette tapes and Braille versions of the voting instructions will be shipped in the near future.)
- Whenever a voter receives help to vote his or her ballot, a complete record of the matter must be entered into the remarks section of the Poll Book. The record must include the name of the assisted voter and the person or persons who gave the assistance.
- Under state law, an elector may appeal to the precinct board for voting assistance. A reason for the needed assistance does not have to be stated. When an elector asks the precinct board for voting assistance, the needed help must be provided by *two* election inspectors who have expressed a preference for different political parties.
- Under federal law, an elector who is blind, disabled or unable to read or write may be assisted with his or her ballot by any person of the voter's choice, other than the voter's employer or agent of that employer or an officer or agent of a union to which the voter belongs. If an elector indicates that he or she wants to receive voting assistance from another

person, the following question must be asked of the voter: “*Are you requesting assistance to vote by reason of blindness, disability or inability to read or write?*” A “yes” or “no” answer to this question is sufficient. If the answer to the question is “yes,” the person who will provide assistance is asked: “*Are you the voter’s employer or agent of that employer or an officer or agent of a union to which the voter belongs?*” If the answer to this question is “no,” the voter may be assisted by the person. The person assisting the voter may be of any age. If it is determined that the voter is not requesting assistance to vote by reason of blindness, disability or inability to read or write or that the person who has accompanied the person to the polls to provide assistance is not eligible to provide assistance, *two* election inspectors who have expressed a preference for different political parties must assist the voter.

- Advise disabled and elderly voters of the measures taken to protect their voting rights. Public service announcements on radio, television, and in local newspapers are recommended.